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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/418,461	10/15/1999	EDWARD B. KNUDSON	UV-33-CONT	8923

7590 07/08/2004

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EXAMINER	
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ART UNIT	PAPER NUMBER
2611	8

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/418,461	KNUDSON ET AL.	
	Examiner	Art Unit	
	Christopher R Nalevanko	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 October 1999*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-64* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14,16,18-31,33,35-46,48,50-61 and 63* is/are rejected.

7)☐ Claim(s) *15, 17, 32, 34, 47, 49, 62, and 64* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6,7*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 1 and application Claim 1 are both directed toward "an interactive program guide system with which a user may purchase pay television programs." The claimed "provides the user with an opportunity to select a program for purchase" in application Claim 1 equates to lines 3-4 of Patent Claim 1. The "determines whether the selected program is part of a package of pay programs containing a finite plurality of pay programs" equates to the means for determining whether the selected program is part of a package of pay programs in lines 5-6. The "displays information on the package of which the selected program is a part when the selected program is a part of a package so that the user may decide whether to purchase the package" equates to lines 7-10 of Patent Claim 1. Although Patent Claim 1 fails to show "television equipment on which an

interactive television program guide application is implanted," it is nonetheless inherent that television equipment is being used to show the interactive program guide. Also, although Patent Claim 1 fails to state "containing a finite plurality of pay programs," it is nonetheless inherent that the packages contain a finite number. Finally, Application Claim 1 differs from Patent Claim 1 with the additional limitation of "wherein the pay programs in the package of pay programs are not the same programs that are available for purchase by subscribing to a channel for its minimum subscription duration." It is well known and expected in the art to provide packages to subscribers that provide additional programming that are not the same programs that are received for the minimum subscription. It would have been obvious to include these additional packages to provide the users with premium or upgraded service option and the ability to view additional programming.

2. Claim 2 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 1 and application Claim 2 are both directed toward "an interactive program guide system with which a user may purchase pay television programs." The claimed "wherein the pay programs in the package are not contiguous" in Application Claim 2 equates to the determination of repetitive programming in lines 12-13 of Patent Claim 1.

3. Claim 3 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,016,141. Although the

conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 1 and application Claim 3 are both directed toward "an interactive program guide system with which a user may purchase pay television programs." Application Claim 3 differs from Patent Claim 1 with the additional limitation of "determines whether the selected program is part of a single package, whether the selected program is part of multiple packages, and whether the selected program is purchasable individually." Patent Claim 1 clearly states "determining whether the selected program is part of a package of pay programs" (lines 5-6). Since this limitations encompasses determining all the packages the pay program is a part of, it is inherent and understood that the single and multiple packages will be determined.

4. Claim 4 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 1 and application Claim 4 are both directed toward "an interactive program guide system with which a user may purchase pay television programs." Application Claim 4 differs from Patent Claim 1 with the additional limitation of "displays purchasing information for the selected program when the selected program is purchasable individually." Patent Claim 1 clearly states "displaying information on the package of which the selected program is a part when the selected program is part of a package so that the user may decide whether to purchase the page" (lines 7-10). Since this limitation encompasses displaying all information regarding packages, it is inherent and understood that the options regarding a packaged would be displayed.

5. Claim 5 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 1 and application Claim 5 are both directed toward "an interactive program guide system with which a user may purchase pay television programs." Application Claim 5 differs from Patent Claim 1 with the additional limitation of "lists all pay program package options when the selected individually-purchasable pay program is part of multiple packages." Patent Claim 1 clearly states "displaying information on the package of which the selected program is a part when the selected program is part of a package so that the user may decide whether to purchase the page" (lines 7-10). Since this limitation encompasses displaying all information regarding packages, it is inherent and understood that the options regarding a packaged would be displayed.

6. Claim 6 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 1 and application Claim 6 are both directed toward "an interactive program guide system with which a user may purchase pay television programs." The claimed "the interactive television program guide application provides the user with an opportunity to purchase the package" in Application Claim 6 equates to the purchasing the programming in line 11 of Patent Claim 1.

7. Claim 7 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,016,141. Although the

conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 1 and application Claim 7 are both directed toward "an interactive program guide system with which a user may purchase pay television programs." The claimed "interactive television program guide application determines whether the purchased package contains repetitive programming" in Application Claim 7 equates to lines 12-13 of Patent Claim 1.

8. Claim 8 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 2 and application Claim 8 are both directed toward "an interactive program guide system with which a user may purchase pay television programs." The claimed "the interactive television program guide application automatically sets program reminders for all programs in the purchased package when the package is determined not to contain repetitive programming" in Application Claim 8 equates to lines 1-5 of Patent Claim 2.

9. Claim 9 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 3 and application Claim 9 are both directed toward "an interactive program guide system with which a user may purchase pay television programs." The claimed "provides the user with an opportunity to set a reminder for a given one of the programs in the purchased package when the package is determined to contain repetitive

programming; automatically sets program reminders for all programs in the purchased package subsequent to the given one of the programs when the package is determined to contain repetitive programming; and monitors whether the user has watched any of the programs in the purchased package for which the program reminders were automatically set when the package was determined to contain repetitive programming" in Application Claim 9 equates to lines 1-15 of Patent Claim 3.

10. Claim 10 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 4 and application Claim 10 are both directed toward "an interactive program guide system with which a user may purchase pay television programs." The claimed "wherein the interactive television program guide application displays a reminder for each program in the package when the user is determined not to have watched any programs in the purchased package for which the program reminders were automatically set when the package was determined to contain repetitive programming" in Application Claim 10 equates to lines 1-7 of Patent Claim 4.

11. Claim 11 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 5 and application Claim 11 are both directed toward "an interactive program guide system with which a user may purchase pay television programs." The claimed "interactive television program guide application cancels the remainder of the

automatically-set reminders when the user is determined to have watched one of the programs in the purchased package" in Application Claim 11 equates to lines 1-5 of Patent Claim 5.

12. Claim 12 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 6 and application Claim 12 are both directed toward "an interactive program guide system with which a user may purchase pay television programs." The claimed "monitors whether the user has watched any of the programs in the purchased package; and cancels the purchase of the purchased package when it is determined that the user has not watched any of the programs in the purchased package" in Application Claim 12 equates to lines 12-16 of Patent Claim 6. Although Patent Claim 6 is an independent claim and Application Claim 12 is a dependent claim, Application Claim 12 is dependent upon Application Claims 6 and 1, which are all encompassed and substantially equal to Patent Claim 6.

13. Claim 13 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 7 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 7 and application Claim 13 are both directed toward "an interactive program guide system with which a user may purchase pay television programs." The claimed "interactive television program guide application displays a message informing

the user that the user will not be billed for the cancelled package" in Application Claim 13 equates to lines 1-4 of Patent Claim 7.

14. Claim 14 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 8 and application Claim 14 are both directed toward "an interactive program guide system with which a user may purchase pay television programs." The claimed "interactive television program guide application offers the user an opportunity to reschedule the cancelled package" in Application Claim 14 equates to lines 1-3 of Patent Claim 8.

15. Claim 16 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 1 and application Claim 16 are both directed toward "an interactive program guide system with which a user may purchase pay television programs." Application Claim 16 differs from Patent Claim 1 with the additional limitation of "providing the user with an opportunity to impulse purchase the package from the program guide." Patent Claim 1 clearly shows purchasing a package (line 11) but fails to specifically state an impulse purchase. It is well known and expected in the art to use impulse purchasing to directly and instantaneously purchase programming. It would have been obvious to include impulse purchasing so that the viewer could instantaneously, and at his or her own convenience, order a variety of programs.

16. Claim 18 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 9 and application Claim 18 are both directed toward "a method for providing a user with pay programs for purchase with an interactive television program guide system." The claimed "providing the user with an opportunity to select a program for purchase" in application Claim 18 equates to lines 4-5 of Patent Claim 9. The "determining whether the selected program is part of a package of pay programs containing a finite plurality of pay programs" equates to determining whether the selected program is part of a package of pay programs in lines 6-7. The "displaying information on the package of which the selected program is a part when the selected program is a part of a package so that the user may decide whether to purchase the package" equates to lines 8-11 of Patent Claim 9. Although Patent Claim 9 fails to state "containing a finite plurality of pay programs," it is nonetheless inherent that the packages contain a finite number. Finally, Application Claim 18 differs from Patent Claim 9 with the additional limitation of "wherein the pay programs in the package of pay programs are not the same programs that are available for purchase by subscribing to a channel for its minimum subscription duration." It is well known and expected in the art to provide packages to subscribers that provide additional programming that are not the same programs that are received for the minimum subscription. It would have been obvious to include these additional packages to provide the users with premium or upgraded service option and the ability to view additional programming.

17. Claim 19 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 9 and application Claim 19 are both directed toward "a method for providing a user with pay programs for purchase with an interactive television program guide system." The claimed "wherein the pay programs in the package are not contiguous" in Application Claim 19 equates to the determination of repetitive programming in lines 14-15 of Patent Claim 9.

18. Claim 20 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 9 and application Claim 20 are both directed toward "a method for providing a user with pay programs for purchase with an interactive television program guide system." Application Claim 20 differs from Patent Claim 9 with the additional limitation of "determining whether the selected program is part of a single package, determining whether the selected program is part of multiple packages, and determining whether the selected program is purchasable individually." Patent Claim 9 clearly states "determining whether the selected program is part of a package of pay programs" (lines 6-7). Since this limitations encompasses determining all the packages the pay program is a part of, it is inherent and understood that the single and multiple packages will be determined.

19. Claim 21 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 9 and application Claim 21 are both directed toward "a method for providing a user with pay programs for purchase with an interactive television program guide system." Application Claim 21 differs from Patent Claim 9 with the additional limitation of "displaying purchasing information for the selected program when the selected program is purchasable individually." Patent Claim 9 clearly states "displaying information on the package of which the selected program is a part when the selected program is part of a package so that the user may decide whether to purchase the page" (lines 8-11). Since this limitation encompasses displaying all information regarding packages, it is inherent and understood that the options regarding a packaged would be displayed.

20. Claim 22 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 9 and application Claim 22 are both directed toward "a method for providing a user with pay programs for purchase with an interactive television program guide system." Application Claim 22 differs from Patent Claim 9 with the additional limitation of "listing all pay program package options when the selected individually-purchasable pay program is part of multiple packages." Patent Claim 9 clearly states "displaying information on the package of which the selected program is a

part when the selected program is part of a package so that the user may decide whether to purchase the page" (lines 8-11). Since this limitation encompasses displaying all information regarding packages, it is inherent and understood that the options regarding a packaged would be displayed.

21. Claim 23 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 9 and application Claim 23 are both directed toward "a method for providing a user with pay programs for purchase with an interactive television program guide system." The claimed "the interactive television program guide application provides the user with an opportunity to purchase the package" in Application Claim 23 equates to the purchasing the programming in line 12-13 of Patent Claim 9.

22. Claim 24 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 9 and application Claim 24 are both directed toward "a method for providing a user with pay programs for purchase with an interactive television program guide system." The claimed "interactive television program guide application determines whether the purchased package contains repetitive programming" in Application Claim 24 equates to lines 14-15 of Patent Claim 9.

23. Claim 25 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 10 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 10 and application Claim 25 are both directed toward "a method for providing a user with pay programs for purchase with an interactive television program guide system." The claimed "automatically setting program reminders for all programs in the purchased package when the package is determined not to contain repetitive programming" in Application Claim 25 equates to lines 1-4 of Patent Claim 10.

24. Claim 26 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 11 and application Claim 26 are both directed toward "a method for providing a user with pay programs for purchase with an interactive television program guide system." The claimed "providing the user with an opportunity to set a reminder for a given one of the programs in the purchased package when the package is determined to contain repetitive programming; automatically setting program reminders for all programs in the purchased package subsequent to the given one of the programs when the package is determined to contain repetitive programming; and monitoring whether the user has watched any of the programs in the purchased package for which the program reminders were automatically set when the package was determined to contain repetitive programming" in Application Claim 26 equates to lines 1-15 of Patent Claim 11.

25. Claim 27 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 12 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 12 and application Claim 27 are both directed toward "a method for providing a user with pay programs for purchase with an interactive television program guide system." The claimed "displaying a reminder for each program in the package when the user is determined not to have watched any programs in the purchased package for which the program reminders were automatically set when the package was determined to contain repetitive programming" in Application Claim 27 equates to lines 1-6 of Patent Claim 12.

26. Claim 28 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 13 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 13 and application Claim 28 are both directed toward "a method for providing a user with pay programs for purchase with an interactive television program guide system." The claimed "canceling the remainder of the automatically-set reminders when the user is determined to have watched one of the programs in the purchased package" in Application Claim 28 equates to lines 1-4 of Patent Claim 13.

27. Claim 29 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 14 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 14 and application Claim 29 are both directed toward "a method for

providing a user with pay programs for purchase with an interactive television program guide system." The claimed "monitoring whether the user has watched any of the programs in the purchased package; and canceling the purchase of the purchased package when it is determined that the user has not watched any of the programs in the purchased package" in Application Claim 29 equates to lines 14-18 of Patent Claim 14. Although Patent Claim 14 is an independent claim and Application Claim 29 is a dependent claim, Application Claim 29 is dependent upon Application Claims 23 and 18, which are all encompassed and substantially equal to Patent Claim 14.

28. Claim 30 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 15 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 15 and application Claim 30 are both directed toward "a method for providing a user with pay programs for purchase with an interactive television program guide system." The claimed "displaying a message informing the user that the user will not be billed for the cancelled package" in Application Claim 30 equates to lines 1-3 of Patent Claim 15.

29. Claim 31 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 16 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 16 and application Claim 31 are both directed toward "a method for providing a user with pay programs for purchase with an interactive television program

guide system." The claimed "offering the user an opportunity to reschedule the cancelled package" in Application Claim 31 equates to lines 1-3 of Patent Claim 16.

30. Claim 33 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 9 and application Claim 33 are both directed toward "a method for providing a user with pay programs for purchase with an interactive television program guide system." Application Claim 33 differs from Patent Claim 9 with the additional limitation of "impulse purchasing the package from the program guide." Patent Claim 9 clearly shows purchasing a package (lines 12-13) but fails to specifically state an impulse purchase. It is well known and expected in the art to use impulse purchasing to directly and instantaneously purchase programming. It would have been obvious to include impulse purchasing so that the viewer could instantaneously, and at his or her own convenience, order a variety of programs.

31. Claim 35 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 1 and application Claim 35 are both directed toward "an interactive program guide system with which a user may purchase pay television programs." The claimed "provides the user with an opportunity to select an individually-purchasable program for purchase" in application Claim 35 equates to lines 3-4 of Patent Claim 1. The "determines whether the selected individually-purchasable program is part of a

package of pay programs" equates to the means for determining whether the selected program is part of a package of pay programs in lines 5-6. The "displays information on the package of which the selected individually-purchasable pay program is a part when the selected individually-purchasable pay program is a part of a package so that the user may decide whether to purchase the package" equates to lines 7-10 of Patent Claim 1. Although Patent Claim 1 fails to show "television equipment on which an interactive television program guide application is implanted," it is nonetheless inherent that television equipment is being used to show the interactive program guide. Finally, Application Claim 35 differs from Patent Claim 1 with the additional limitation of "individually-purchasable." It is well known and expected in the art to provide individually-purchasable programs to subscribers, such as pay-per-view. It would have been obvious to include these individually-purchasable programs so that the user could purchase single shows for viewing, as opposed to entire channels. Also, this allows the user to purchase special viewing events.

32. Claim 36 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 1 and application Claim 36 are both directed toward "an interactive program guide system with which a user may purchase pay television programs." Application Claim 36 differs from Patent Claim 1 with the additional limitation of "determines whether the selected individually-purchasable pay program is part of a single package and whether the selected individually-purchasable pay program is part of

multiple packages." Patent Claim 1 clearly states "determining whether the selected program is part of a package of pay programs" (lines 5-6). Since this limitations encompasses determining all the packages the pay program is a part of, it is inherent and understood that the single and multiple packages will be determined.

33. Claim 37 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 1 and application Claim 37 are both directed toward "an interactive program guide system with which a user may purchase pay television programs." Application Claim 37 differs from Patent Claim 1 with the additional limitation of "lists all pay program package options when the selected individually-purchasable pay program is part of multiple packages." Patent Claim 1 clearly states "displaying information on the package of which the selected program is a part when the selected program is part of a package so that the user may decide whether to purchase the page" (lines 7-10). Since this limitation encompasses displaying all information regarding packages, it is inherent and understood that the options regarding a packaged would be displayed.

34. Regarding Claims 38-46, and 48, all of their limitations have been discussed regarding to Application Claims 9-14 and 16, respectively.

35. Claim 50 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 9 and application Claim 50 are both directed toward "a method for

providing a user with pay programs for purchase with an interactive television system." The claimed "providing the user with an opportunity to select an individually-purchasable program for purchase" in application Claim 50 equates to lines 4-5 of Patent Claim 9. The "determining whether the selected individually-purchasable program is part of a package of pay programs" equates to the determining whether the selected program is part of a package of pay programs in lines 6-7. The "displaying information on the package of which the selected individually-purchasable pay program is a part when the selected individually-purchasable pay program is a part of a package so that the user may decide whether to purchase the package" equates to lines 8-11 of Patent Claim 9. Application Claim 9 differs from Patent Claim 50 with the additional limitation of "individually-purchasable." It is well known and expected in the art to provide individually-purchasable programs to subscribers, such as pay-per-view. It would have been obvious to include these individually-purchasable programs so that the user could purchase single shows for viewing, as opposed to entire channels. Also, this allows the user to purchase special viewing events.

36. Claim 51 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 9 and application Claim 51 are both directed toward "a method for providing a user with pay programs for purchase with an interactive television system." Application Claim 51 differs from Patent Claim 9 with the additional limitation of "determining whether the selected individually-purchasable pay program is part of a

single package and determining whether the selected individually-purchasable pay program is part of multiple packages." Patent Claim 9 clearly states "determining whether the selected program is part of a package of pay programs" (lines 6-7). Since this limitations encompasses determining all the packages the pay program is a part of, it is inherent and understood that the single and multiple packages will be determined.

37. Claim 52 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 6,016,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because Patent Claim 9 and application Claim 52 are both directed toward "a method for providing a user with pay programs for purchase with an interactive television system." Application Claim 52 differs from Patent Claim 9 with the additional limitation of "listing all pay program package options when the selected individually-purchasable pay program is part of multiple packages." Patent Claim 9 clearly states "displaying information on the package of which the selected program is a part when the selected program is part of a package so that the user may decide whether to purchase the page" (lines 8-11). Since this limitation encompasses displaying all information regarding packages, it is inherent and understood that the options regarding a packaged would be displayed.

38. Regarding Claims 53-61, and 63, all of their limitations have been discussed regarding to Application Claims 23-31 and 33, respectively.

Claim Objections

39. Claims 15, 17, 32, 34, 47, 49, 62, and 64 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Nalevanko whose telephone number is 703-305-8093. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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